IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 510 of 2005

Between:

Soyam Lachaiah, s/o Mr. Soyam Boraiah,
R/o Grama Panchayath, Gudem Mandal, Bejjur,

Adilabad District (A.P).

..... PETITIONER

AND

1 The Principal Secretary to the Government of Andhra Pradesh

Panchayat Raj and Rural Development,
Secretariat Buildings, Saifabad, Hyderabad.
2 The District Collector, Adilabad, (Panchayath Wing),

Adilabad Collectorate Office, Adilabad District , (A.P).
3 The Divisional Panchayath Officer, Asifabad Division Office at
Asifabad Mandal, District Adilabad.
4 The District Panchayath Officer, Adilabad, Office at Adilabad District (A.P).
5 The Panchayath Secretary, Grampanchayath Gudem of Bejjur Mandal,

Adilabad District (A.P).
6 Upa Sarpanch Gram Panchayath, Gudem of Bejjur Mandal,

Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus declaring suspension orders, vide proceeding No. 615/K4.Pts/2003, dated 14-10-2004, passed by the District Collector Adilabad (P.W) as illegal, arbitrary, void and against the principles of natural justice, in the interest of justice and equity, or to pass any other order or orders

Counsel for the Petitioner: MR.A.M.QURESHI

Counsel for the Respondents 1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

ORDER:

The present writ petition is filed questioning the proceedings dated 14-10-2004 suspending the petitioner from the post of Sarpanch under section 249(6) of the A.P.Panchayat Raj Act, 1994 (for short the Act) alleging irregularities.

Though several contentions were raised in the writ petition, learned Government Pleader for Panchayat Raj & Rural Development submitted that against the impugned orders passed under section 249 (6) of the Act, an alternative remedy of revision to the Government is provided under section 264 of the Act and without availing such remedy, the petitioner has rushed to this Court by filing the present writ petition, which is not maintainable.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since an alternative remedy of revision is provided under the Act as against the impugned order, without expressing any opinion on the merits of the matter, I deem it appropriate to permit the petitioner to file a revision, as provided under section 264 of A.P.Panchayat Raj Act, together with stay application, within a period of six weeks from today. Till such time, status quo existing as on today shall be maintained.

On filing such a revision petition, the Revisional Authority shall consider the same and pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed at the admission stage.

_____ N.V.RAMANA,J

24th January, 2005

tvk

To:

1 The Principal Secretary to the Government of Andhra Pradesh

Panchayat Raj and Rural Development,
Secretariat Buildings, Saifabad, Hyderabad.

2 The District Collector, Adilabad, (Panchayath Wing),

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Adilabad District (A.P).

6 Upa Sarpanch Gram Panchayath, Gudem of Bejjur Mandal,

Adilabad District.

7 Two CCs to the Government Pleader for Panchayat Raj,

High Court Buildings, Hyderabad

8 Two CD copies (OUT)